

I am not saying this critically of the Obama administration. I am saying he didn't have the same priorities that many of us have. His top priority was not defending America, in spite of what the Constitution tells us what should be the top priority. And so we went through that time with—as I mentioned, between the years of 2010 and 2015, 5 years, reduced the funding for the military by 25 percent. At the same time, China was increasing their funding for their military by 83 percent. This is what we looked at, and that is what our President was faced with. And that is why—I don't know who is ill-advising the President to be concerned about an issue that has nothing to do with the military. And I know that the President has been the strongest—I don't know if there has ever been a President who has been a stronger supporter of our military and our kids in harm's way than President Trump. I am just looking at this now, and I am thinking, we are now 1 minute away from passing a bill that is the most significant bill.

At this time, I ask if the minority would like to make any comments at all because I will tell you right now, I mentioned the names of all the people who worked on this bill for the last year, and side by side have been Senator JACK REED and I in the leadership of this bill.

It is going to be a reality.

I want to thank you and give you an opportunity to get a last word in here because we are going to vote on this in less than a minute.

Mr. REED. The last word will be very brief if I am recognized, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REED. Let me commend the chairman. I don't think we would be here without Chairman INHOFE's leadership. I have never seen anyone work so diligently and so constructively.

We want to thank the staff. They do a remarkable amount of work.

Also, we have to recognize our colleagues in the House—Chairman ADAM SMITH, who did a good job, and Ranking Member MAC THORBERRY, whose name is on this bill.

I urge passage, and I commend the chairman.

Thank you, Mr. President.

Mr. INHOFE. Thank you, Senator REED.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 6395, which the clerk will report.

The senior assistant legislative clerk read as follows:

A conference report to accompany H.R. 6395, an Act to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defensive activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mr. INHOFE. Mr. President, I ask unanimous consent to waive the mandatory quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 6395, an Act to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, John Thune, Shelley Moore Capito, Thom Tillis, Roy Blunt, Cory Gardner, Roger F. Wicker, Marsha Blackburn, John Cornyn, Mike Crapo, Pat Roberts, Cindy Hyde-Smith, Kevin Cramer, Richard Burr, James M. Inhofe, Steve Daines, Deb Fischer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 6395, an Act to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mrs. LOEFFLER), and the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 13, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—84

Alexander	Fischer	Portman
Baldwin	Gardner	Reed
Barrasso	Gillibrand	Risch
Bennet	Grassley	Roberts
Blackburn	Harris	Romney
Blumenthal	Hassan	Rosen
Blunt	Heinrich	Rubio
Boozman	Hirono	Sasse
Brown	Hoeven	Schatz
Burr	Hyde-Smith	Schumer
Cantwell	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cardin	Jones	Shaheen
Carper	Kaine	Shelby
Casey	Kelly	Sinema
Cassidy	King	Smith
Collins	Klobuchar	Stabenow
Coons	Lankford	Sullivan
Cornyn	Leahy	Tester
Cortez Masto	Manchin	Thune
Cramer	McConnell	Tillis
Crapo	Menendez	Toomey
Daines	Moran	Udall
Duckworth	Murkowski	Van Hollen
Durbin	Murphy	Warner
Enzi	Murray	Whitehouse
Ernst	Perdue	Wicker
Feinstein	Peters	Young

NAYS—13

Booker	Kennedy	Sanders
Braun	Lee	Warren
Cotton	Markey	Wyden
Cruz	Merkley	
Hawley	Paul	

NOT VOTING—3

Graham	Loeffler	Rounds
--------	----------	--------

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 13.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Oklahoma.

UNANIMOUS CONSENT AGREEMENT

Mr. INHOFE. Madam President, I ask unanimous consent that the postcloture time on the conference report to accompany H.R. 6395 expire at 12:30 today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

2020 ELECTIONS

Mr. MURPHY. Madam President, colleagues, we are in the middle of a whole bunch of really important debates right now about the National Defense Authorization Act, trying to avoid a shutdown by the end of the day, and, of course, trying to find a path forward to authorize funding to continue to combat this pandemic.

But it is worth noting today that an effort to overturn the 2020 election continues and, in many ways, is picking up steam, and we need to talk about the consequences for the Nation.

Democracies are really fragile things. Ours only continues because we make choices so that it can remain. Our government really isn't a piece of paper upon which the Constitution is written. Our government—where voters, citizens, not kings or monarchs or oligarchs, decide who governs—is made possible by a series of decisions that we make every single day to put the rule of law ahead of our own political power or the position of our political party. That is the history of America—our decision that democracy comes first, not the perpetuation of our own political power.

Right now, the most serious attempt to overthrow our democracy in the history of this country is underway. Those who are pushing to make Donald Trump President for a second term, no matter the outcome of the election, are engaged in a treachery against their Nation.

You cannot, at the same time, love America and hate democracy. But as we speak, a whole lot of flag-waving Republicans are nakedly trying to invalidate millions of legal votes because that is the only way they can make Donald Trump President again.

It is the only way they can make Donald Trump President again because he didn't win. Our democracy, the citizens of this country, chose Joe Biden to be President of the United States. He won the popular vote in a landslide, and he won the electoral college by a substantial margin.

But now, Republicans have decided—not all Republicans—but far too many have decided that if democracy can't keep Trump in power, then democracy ceases to have any real purpose because, to Republicans who are supporting these continued efforts to invalidate the election, their loyalty is to Donald Trump, not to the Nation or our system of government. Their No. 1 goal is to keep Trump in power, and if that means throwing out the election and turning America into something other than a democracy in which the voters get to choose their leaders, then so be it.

Here is the latest. This lawsuit is supported by 106 House Republicans. That is more than half of the Republicans who serve in the House of Representatives. It is supported, apparently, by many Senate Republicans as well. This lawsuit is an attempt to overthrow democracy.

Now, you can laugh at it; you can scoff at it; you can suggest that it has no chance to prevail if it reaches the nine Supreme Court Justices. But let's be clear about what it argues, and let's be clear about the consequences for so many elected officials at the highest level of American Government supporting this lawsuit.

What it argues is that the votes in four States—Pennsylvania, Georgia, Wisconsin, and Michigan—should be thrown out because Trump didn't win. It asks for the State legislatures, controlled by Republicans, to appoint elec-

tors instead. Now, there are a bunch of vague, unsourced claims about voter fraud in this lawsuit, but there is not a shred of evidence for these claims. All of the individual lawsuits trying to allege voter fraud, trying to create contests about how laws were modified regarding voting in these States, have all lost.

Importantly, the lawsuit doesn't ask for another canvass or another count; it just asks for the votes in these States to be disregarded and for Republican politicians in these States to make the choice instead.

Already in Pennsylvania, the State legislature's Republican leadership has expressed support for appointing electors who would choose Donald Trump. Let me say that again. This lawsuit says that in Pennsylvania, the State legislature should choose the electors, not the people. And in Pennsylvania, the leadership of the Republican Party in the legislature has expressed support for appointing electors who will choose Donald Trump instead of Joe Biden despite the fact that Joe Biden won the State of Pennsylvania by 80,000 votes—80,000 votes. This isn't 500 votes, like Florida in 2000—80,000 votes.

The request of this lawsuit is clear: Throw out the votes in these four States that Joe Biden won and just give the election to Donald Trump instead.

Some of my Republican Senate colleagues sent out pretty mealy-mouthed statements supporting the general right to count every legal vote and to contest illegal votes, but that is not what this lawsuit is about. It just asks for the whole vote to be thrown out. It asks for every vote in these States to be disregarded.

Other Republicans who haven't signed on to this suit suggest that it won't succeed in the Supreme Court; it is a sideshow, so why really care? Well, we have to care. The majority of Republican Members of Congress believe that Donald Trump should be named President again despite the fact that he lost and lost by a lot. It wasn't close in the popular vote or in the electoral college. We should care because this attempt to overthrow democracy won't be successful this time—Joe Biden is going to be President—but it plainly shows us the direction that the Republican Party is heading, and they control governments in a lot of really important States and jurisdictions.

The majority of Republicans in the House of Representatives apparently believe that if a Democrat wins an election, it is illegitimate by definition. There is no evidence of fraud or stolen votes or vote-rigging in the 2020 election. You can be mad about the fact that States allow for mail-in voting; but Republican and Democratic States allow for it. You can be angry that the majority of those votes this year were cast in favor of Joe Biden in many of these States, but in previous years, the majority of mail-in votes had been favoring Republicans.

But no matter the lack of evidence about voter fraud, Republicans, including the President, have just come to the conclusion that Democrats must have cheated because Democrats are evil, and lots of people show up to Donald Trump rallies. You know, there is just no way that all of these people could have voted for Joe Biden because FOX News and Newsmax and RT—they tell us that Trump is just so popular.

This mindset won't win out this time. Joe Biden is going to be President. But what about next time? What if the next Presidential election is closer? What if 2024 comes down to just one State? It is a lot easier to steal one State. What if these radical anti-Democrats get control of more secretary of state offices or election boards and there is a close race for Governor in 2022 or the U.S. Senate, and these same people who support the Texas lawsuit decide again that there is no way a Democrat could have won our State, and so by definition it has to be fraudulent, despite the lack of evidence, so let's just throw out the result and choose a Republican?

I know this kind of sounds far-fetched, but this is exactly what this lawsuit is asking for. It is asking for the vote to be thrown out in four States and Donald Trump to be named President regardless of the fact that he lost, with no evidence of any voter fraud or illegal behavior.

There is a majority of the U.S. House of Representatives Republican caucus who supports this, so it stands to reason that this won't all of a sudden stop being their position 2 years from now and 4 years from now. If that happens and the voters' will is thrown out—not just in a Presidential election but in a Governor's race or a U.S. Senate race or a congressional race—then our country will no longer be a democracy. If that happens, the American experiment will be done. It will be over.

That is why this moment is so frightening, no matter the fact that it is not going to be successful in an attempt to keep Donald Trump barricaded in the White House. That is why more Republicans than just a handful in this country need to be standing up to this lawsuit and this claim that the vote should be thrown out, because you have a majority of Republicans in this country who believe that Joe Biden won the election fraudulently when there is no evidence that that happened. That belief, as it festers and it grows—this idea that if Democrats win, it has to be because of fraud—it does eventually lead to the voters' will being overturned, and that will be the end of American democracy.

Don't just assume that this system is going to be around for another 240 years. It is a miracle that we have held this together thus far. It is just a series of choices that we make. The Constitution itself is not strong enough, is not durable enough without all of us making a decision that even if we lose an election, even if that means that temporarily our political power is lessened,

that we accept the result because what matters most in this country is what the voters choose, not how it affects us.

It is not enough to just punt here and say “Ah, the President has a right to go to court; let’s just see what happens” because when the overthrow of democracy is beginning and you are sitting on the sidelines, you are a collaborator. And there are way too many high-profile Republicans who march around the world giving speeches about the importance of protecting democracy who are awfully silent when the attempted overthrow is happening in their own country. Nobody can stay silent right now.

There are a lot of other important things happening in the Senate today. I am engaged in those as well. It is true, this effort to overthrow the 2020 election is not going to bear fruit, and so it is tempting to just work on the other things and to ignore this lawsuit and these attempts because this time, it won’t be successful. But all of this effort, supported by so many mainstream Republicans, is setting a precedent and is creating conditions that could easily overthrow the next election. If the Republican Party just allows for this assault on the 2020 election to continue, no matter whether it ultimately is successful, then by 2022 or 2024, I am telling you, it might be too late to save our democracy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. CORNYN. Mr. President, since last fall, right after the new year, our country, like the rest of the planet, became embroiled in a pandemic, sending fear, shock, illness, and fatalities. As we tried to respond, we were forced to make hard decisions—I am talking about a collective “we”—in terms of economic activity, children going to school, businesses staying open.

And many businesses simply could not, and many of the workers who worked at those locations simply were out of luck. You can imagine the anxiety and the fear of many Americans who, through no fault of their own, found themselves fearful of the virus and the consequences associated with it, fearful for the possibility that their loved ones—let’s say, a parent or grandparent who is especially vulnerable because of their age or somebody because of their underlying chronic health conditions—were more likely to be a fatality, to lose their life, if they were infected with the virus.

This is something we haven’t experienced perhaps in the last 100 years, since the great flu pandemic at the turn of the last century.

Congress responded the best we could. We knew we had to act quickly,

and we knew we had to act in a big way. I am proud of the fact that, in the face of this pandemic, Congress came together, setting aside partisan agendas, and we passed four pieces of legislation to address, first of all, the public health crisis but, secondly, the economic fallout associated with mitigation efforts. In other words, we did what Americans always do in a time of crisis: We pulled together.

I am proud of what we were able to accomplish. But at the end of March of this year, when we passed the last CARES Act legislation, we didn’t have any idea how long this was going to last. We had no idea that we would be here now in December of 2020 and still grappling with how to contain this virus and dealing with the economic fallout associated with it.

Thank goodness we made a priority of providing resources to our medical scientists and the pharmaceutical industry that have now come up with therapies and treatments which are saving more lives. Fewer people who get the virus are actually dying, thanks to the expertise of our healthcare providers and the therapeutics that they are able to administer—saving many, many lives.

But the golden bullet in all of this is the vaccine. I am hopeful that we in America—that the Food and Drug Administration will promptly, and I expect they will, approve the use of some of the vaccines that have been developed, once it is determined they are safe and effective.

So I think this is like the cavalry arriving, and the cavalry is nearby and will soon be here. Then we will prioritize the people in the country who will get the vaccine, as we should. I think the folks who have been on the frontlines, the so-called essential workers—I tend to think of all work as being essential, but certainly the healthcare providers, the people who had to show up. They couldn’t hunker down at home. They had to show up for work because we needed them to do that in order to protect the rest of us.

But then we ought to go through the elderly, people with underlying health diseases, schoolteachers, and others to help us get our children back to school. The list goes on and on.

But what I am not proud of is the embarrassing insensitivity of our Democratic colleagues, starting with the Senator from New York, the Democratic leader, when it comes to people’s fear about the consequences associated with the pandemic that relate to the liability that may ultimately be imposed upon them because they didn’t guess it right the first time.

I am talking about lawsuits by people who will sue, claiming—I am sure many with some merit—that they have suffered as a result of this virus and attempt to pin the responsibility on some business, some school, some church, some synagogue, some mosque, anywhere where they might have gotten the virus. Anybody with a liability insurance policy, I am sure, will be fair game by the trial lawyers.

And I am not here to disparage members of the legal profession. I happen to be one. But I do know that we ought to be focused on what is the greatest good for the greatest number, and we shouldn’t let the tail wag the dog when it comes to providing commonsense liability protection, which is what brings me to the floor this afternoon.

I heard the Senator from New York give a fevered speech about what he called corporate immunity, as if our desire to provide some predictability and some fairness in the context of civil liability was somehow a desire to protect nameless, faceless corporations. That is wrong, and that is why I came to the floor—to say it is wrong and to explain why it is wrong.

The minority leader tries to frame this as a green light for big, bad businesses to ignore public health guidelines and to put every person who walks through their door in danger of contracting COVID-19. That is a false narrative. That is not true.

For starters, what we have proposed is not blanket immunity. No one wants to give—let’s say somebody is running a meatpacking plant and one of the workers shows up and says: Boss, I don’t feel very good today; I think I may have something. And he says: You shut up; go to work. And they end up having the virus and infect all their peers and fellow employees.

That is reckless and intentional misconduct, and we do not limit lawsuits based on reckless and intentional misconduct at all. So this is not a “get out of jail free” card or whatever you want to call it. This will not protect the people who recklessly put other people in danger of this virus.

In cases of gross negligence or willful misconduct, where the applicable public health guidance is not followed, the person who suffered a harm has every right to sue and be made whole, and no one—no one—wants to change that.

But what we do need to acknowledge is that we are all living through what I hope is a once-in-a-lifetime catastrophe for everybody involved, so I don’t think we should be creating an opportunity for people who want to profit off of this pandemic to do so, particularly when a handful of people will presumably benefit from what the Democratic leader is proposing—no liability shield—and hundreds of millions of Americans will benefit from it.

These are unprecedented times, to be sure, much like we owe the American people more support, and that is part of what is being blocked by the demands of the Democratic leader to eliminate any sort of liability shield. We need to put some safeguards in place to ensure that those who are operating in good faith and following all the relevant public health guidelines cannot be sued out of existence. Imagine if you are a small business, hanging on by a thread. Somehow you have applied for your PPP loan, your paycheck protection loan, and you have been able to hang on to your business and

keep your employees on the payroll—somehow, some way.

Well, if you face the prospect of limitless liability, opportunistic litigation is going to cost you a lot of money and all of your energy just to defend, even if the claim is meritless. You might think twice—probably more than twice—about whether you want to stay in business, whether you want to keep those jobs, whether you want to contribute to our economy.

We need those people. We need those businesses and those jobs. And I am not talking about the trial lawyers. They will be fine. They are not disadvantaged by having to hunker down, wondering where the next paycheck will come from. They will be fine.

But there are a lot of people who are hurting, and it causes me great distress to see us—at least some of us—oblivious to the pain, the anguish, and the desperation of so many Americans.

The number of suicides is up dramatically. The number of reports of child sexual abuse is down because kids aren't going to school where their teachers, hopefully, will be trained to help identify those people.

People are self-medicating with drugs and alcohol. People are suffering mental health crises. And some folks here in Congress act like, that doesn't affect me; it is not my problem. It is shocking to me that there are some who seem to have that approach.

The minority leader knows the facts. When he talks about corporate immunity, he wants to frame it in the most negative light possible, which, of course, is why he said that.

What we are proposing will help people. It will help medical workers, doctors, nurses, aides at hospitals—those who have been on the frontlines trying to save lives. They didn't have any choice but to show up. They didn't ask “Well, are your liability insurance premiums paid up at the hospital?” or “Maybe I need to up my limits because I know I am going to get sued after this.” They didn't ask those kinds of questions; they went and did the job we wanted them to do, and God bless them for it.

What we are proposing will help a lot more people, a lot more organizations. And by that, I mean not just businesses; it will help nonprofits, and it will help restaurants that have tried to follow the guidelines and opened at limited capacity, as they have gotten guidance from the local and State and national officials. This will help everybody.

First, it will help, as I said, our healthcare heroes, the brave men and women who have led in this battle for months. They have made tremendous physical and mental sacrifices to save lives, but without some liability protection from Congress, they could soon find themselves staring down the barrel of a wave of medical malpractice lawsuits.

I hope the minority leader will see why this can't happen. New York State

did. His State acted to provide medical liability protection for healthcare workers in his State. We need to make sure that the kinds of things that his State did for healthcare workers in New York are expanded to include others around the country. We need to ensure that our healthcare workers aren't taken to the cleaners for doing everything in their power in good faith to respond to the crisis.

Again, the protections his State has provided set a willful misconduct or gross negligence standard for coronavirus medical liability suits to ensure that only legitimate cases are brought against healthcare workers in New York. If that is good enough for New Yorkers, for his constituents, why deny the same protection to my constituents or the Presiding Officer's constituents or everybody else who is on the frontlines of fighting this battle during these unprecedented times?

I know the minority leader got a letter this summer from a long list of national medical associations, which represent hundreds of thousands of healthcare workers, calling for these very same types of protections. That letter detailed the challenges these workers were up against and, you can imagine, scarce personal protective equipment.

It would be the easiest thing in the world to blame those healthcare workers for not adequately providing personal protective equipment and somehow contributing to the spread of the disease when we know that due to China's actions—hoarding a lot of the PPE that they themselves manufactured—when they didn't tell the rest of the world that the virus was running rampant in China, they were hoarding that PPE, making it less available to local hospitals and doctors for the benefit of their patients.

So it would be easy to see, now looking back with the benefit of hindsight, that somebody said: Well, you knew or should have known you didn't have adequate PPE to take care of your patients. As my dad always liked to say—he said: Hindsight is 20/20.

That is just one example. These groups who wrote to the Democratic leader said that these physicians and other healthcare professionals are now facing the threat of years of costly litigation due to the extraordinary circumstances. And these are the same institutions, the doctors and the hospitals, that we have sent hundreds of billions of dollars to, and now we want to throw them to the wolves? We can't allow our healthcare heroes to wake up in this pandemic only to find themselves facing a legal nightmare.

But as I have said, it is not just healthcare workers who need our help. The list of organizations and institutions that rely on this legislation is a long one. There are, for example, our public schools, our colleges, our universities, which have tried to adapt in trying circumstances and are trying to allow our K-12 students and our young

people who attend our colleges and universities an opportunity to continue their education safely, to the best of their ability.

A number of national groups representing education leaders, including superintendents, school boards, and other leaders, sent a letter to Senator SCHUMER and other congressional leaders about the urgent need for these protections. They said: “We believe any protections should be limited in scope and preserve recourse for those harmed by truly bad actors who engage in egregious misconduct.” And I agree with that. That is exactly the type of protection we have proposed.

I am looking at a letter—it is dated May 28, 2020—from the American Council on Education which I think does a pretty good job of summing of what I just described, the challenges that our educators and our students and our administrators are facing trying to get back to some semblance of normalcy, because we all understand the importance of providing our next generation of leaders with a good education.

In this letter from ACE, the American Council on Education, Ted Mitchell, its president, writes:

Unfortunately, all colleges and universities, two- and four-year, public and private nonprofit, are facing unprecedented challenges as a result of the COVID-19 pandemic. The impact on the operations and revenues of many institutions has been catastrophic, for some even existential, which has had a terrible ripple effect in communities large and small. The pandemic is also causing massive disruption to students and families. Many are grappling with sudden changes to their financial circumstances.

In the wake of prior crises, Congress came together to pass timely and targeted liability protections with strong bipartisan support because lawmakers understood the acute economic threat of lawsuits at moments of maximum economic vulnerability. While Congress has acted to provide some limited COVID-related liability protections for volunteer healthcare providers and some manufacturers of PPE in the CARES Act, much more needs to be done. While some governors and state legislatures have enacted COVID-19 liability limitations, this is a national problem requiring a national solution.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter following my remarks.

The president and executive director of the American Dental Association wrote a letter thanking the Judiciary Committee for reviewing liability protections and asking Congress to pass these reforms. Similar to the other comments that have been made by other organizations, they said: “While safeguarding their patients, their staff, and themselves from the spread of COVID-19, dental practices must also safeguard their businesses from bad-faith actors pursuing frivolous financial gain for coronavirus injuries.”

We have heard from a long list of groups, and it is not the Fortune 500, like the Democratic leader has proposed. This isn't corporate protection. This is common sense. This is what we have done before—in connection with

Y2K, in connection with 9/11, in connection with providing some limited liability protection to pharmaceutical companies that we depend upon to produce vaccines that will save lives. Those are all examples where Congress has come together with a national response to a national crisis.

We have heard concerns from everything from the U.S. Youth Soccer worried about their volunteers being sued, the American Heart Association worried about their fundraisers, churches worried about their ability to serve their communities with this cloud hanging over their heads. So who is acting in bad faith here? Not the schools. Not the charities. Not the healthcare providers who are calling for the limited protections this legislation would provide. No, it is the trial bar. It is the trial lawyers who are trying to use this pandemic to make money.

I am not here, again, to disparage members of the legal profession. I am just saying, who are we here going to bat for? Are we going to bat for a small group of wealthy lawyers, or are we going to bat for 330 million Americans? That is the choice, it seems to me. And the Democratic leader is carrying water for that wealthy elite minority, the members of the trial bar, by mischaracterizing this effort and blocking relief for his own constituents.

Again, Governor Cuomo apparently was able to do this by some form of executive action, was able to provide some liability protections for medical malpractice lawsuits in New York. I wonder if the Democratic leader would come to the floor and call that corporate protection. No. It made sense. Good for Governor Cuomo, and shame on us if we don't do something similar.

I want to close on another ironic statement by the Democratic leader this morning. He said: The American people deserve an outcome. I agree with that. But he said: It is not going to happen if the Republican majority insists on getting 100 percent of its partisan demands.

Well, we are not insisting on 100 percent, but how about the 80 percent we can agree on? That just makes sense to me. They are the ones who are killing the COVID-19 relief bill by their insistence that no liability protections be included in this bill. It is the Wild Wild West, and they want to keep it just like that.

The Democratic leader has been the one who has held up negotiations over the last several months. By my count, our Democratic leaders have blocked at least three, maybe four pieces of COVID-19 relief. That was at a time when they could have worked with us to make the bills better and to provide timely relief to our constituents, but no—they refused to accept anything short of a partisan, multitrillion-dollar bill that passed the House earlier this year, that NANCY PELOSI knew would never have a prayer of passing because

it included such unrelated matters as tax cuts for millionaires and billionaires in places like New York and California and included diversity studies on the marijuana industry. What in the heck does that have to do with COVID-19? They claimed that anything less than that \$3-trillion white elephant was unworkable, so they gave our efforts the Heisman and allowed the distress from the pandemic to go on for months and months and months while they blocked every attempt to deliver relief to the American people.

Liability protections—commonsense liability protections for a limited period of time, which are not designed to take over State tort law on a permanent basis—we can agree on what the timeframe should be, but liability protections will allow our most important and vulnerable institutions and people to recover from this crisis, and I believe the Democratic leader would be wise to acknowledge that and work with us and get a result.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
May 28, 2020.

Re COVID-19 Limited Liability Protections.

Representative NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

Senator MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

Representative KEVIN MCCARTHY,
Minority Leader, House of Representatives,
Washington, DC.

Senator CHUCK SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY, LEADER MCCONNELL, AND MINORITY LEADER SCHUMER: On behalf of the American Council on Education and the undersigned higher education associations, I am writing today to urge you to quickly enact temporary and targeted liability protections related to the COVID-19 pandemic. While these crucial protections are likely necessary for many sectors of the American economy, this letter focuses on the need to safeguard higher education institutions and systems, affiliated nonprofits, and healthcare providers and facilities from excessive and speculative lawsuits arising out of the pandemic.

Encouraging, enabling, and supporting the safe reopening of college and university campuses for in-person learning is essential to educating our nation's future workforce, preserving employment for millions, and helping restart America's economy. As colleges and universities contemplate whether and how to safely reopen this fall, their overriding concern is keeping students, faculty, staff, and local communities safe. These decisions are not premised on making a trade-off between safety and the economy. Nor are institutions of higher education seeking a free pass to avoid responsibility, much less immunize themselves for their own or others' bad acts.

But as colleges and universities assess how quickly and completely campuses can resume full operations, they are facing enormous uncertainty about COVID-19-related standards of care and corresponding fears of huge transactional costs associated with defending against COVID-19 spread lawsuits, even when they have done everything within

their power to keep students, employees, and visitors safe. To blunt the chilling effect this will have on otherwise reasonable decision-making leading to our nation's campuses resuming operations in a safe and sensible manner, we ask that Congress quickly enact temporary COVID-19-related liability protections for higher education institutions and systems, affiliated entities, as well as their faculty, staff and volunteers. These protections should be conditioned on following applicable public health standards, and they should preserve recourse for those harmed by truly bad actors who engage in egregious misconduct.

Colleges and universities, including their health care facilities and research enterprises, are engaged in every sector of critical infrastructure necessary to support American communities. In addition to educating and training our country's future workforce, they provide health services, cultural resources, spectator sports venues, and recreational amenities to their communities. Our medical schools, teaching hospitals, and research labs are working around the clock to find the best treatments and vaccines for COVID-19. Moreover, our higher education institutions maintain full service utilities, telecommunications, and computing networks; they provide housing and food services; and they operate transportation networks, hotels, retail shops, daycares, gyms, and museums. To support this broad array of activities, they directly employ tens of thousands of skilled workers in various trades, from electricians and linemen to plumbers and HVAC technicians; from landscapers and painters to carpenters and fabricators.

Unfortunately, all colleges and universities, two- and four-year, public and private nonprofit, are facing unprecedented challenges as a result of the COVID-19 pandemic. The impact on the operations and revenues of many institutions has been catastrophic, for some even existential, which has had a terrible ripple effect in communities large and small. The pandemic is also causing massive disruption to students and their families. Many are grappling with sudden changes to their financial circumstances.

In the wake of prior crises, Congress came together to pass timely and targeted liability protections with strong bipartisan support because lawmakers understood the acute economic threat of lawsuits at moments of maximum economic vulnerability. While Congress has acted to provide some limited COVID-19-related liability protections for volunteer healthcare providers and some manufacturers of PPE in the CARES Act, much more must be done. While some governors and state legislatures have enacted COVID-19 liability limitations, this is a national problem requiring a national solution.

Higher education's need for temporary and targeted liability protections and relief is clear. Now is the time for Congress to act.

Sincerely,

TED MITCHELL,
President.

On behalf of:

Achieving the Dream, American Association of Colleges of Nursing, American Association of Colleges for Teacher Education, American Association of Collegiate Registrars and Admissions Officers, American Association of Community Colleges, American Association of State Colleges and Universities, American College Health Association, American Council on Education, American Dental Education Association, American Indian Higher Education Consortium, APFA, "Leadership in Educational Facilities", Associated Colleges of the Midwest, Association for Biblical Higher Education,

Association of Advanced Rabbinical and Talmudic Schools, Association of American Colleges and Universities, Association of American Medical Colleges, Association of American Universities, Association of Catholic Colleges and Universities, Association of Community College Trustees.

Association of Governing Boards of Universities and Colleges, Association of Independent California Colleges and Universities, Association of Independent Colleges & Universities of Rhode Island, Association of Independent Colleges and Universities in Massachusetts, Association of Independent Colleges and Universities of Ohio, Association of Independent Colleges and Universities of Pennsylvania (AICUP), Association of Independent Colleges of Art & Design, Association of Jesuit Colleges and Universities, Association of Public and Land-grant Universities, Association of Research Libraries, Association of Vermont Independent Colleges, College and University Professional Association for Human Resource, Commission on Independent Colleges and Universities-NYS, Conference for Mercy Higher Education, Connecticut Conference of Independent Colleges, Council for Advancement and Support of Education, Council for Christian Colleges & Universities, Council of Graduate Schools, Council for Higher Education Accreditation, Council of Independent Colleges, Council of Independent Colleges in Virginia, Council of Independent Nebraska Colleges, EDUCAUSE, Great Lakes Colleges Association.

Hispanic Association of Colleges and Universities, Independent Colleges and Universities of Florida, Independent Colleges and Universities of Missouri, Independent Colleges of Indiana, Independent Colleges of Washington, Kansas Independent College Association, Louisiana Association of Independent Colleges and Universities, Maryland Independent College and University Association, Midwestern Higher Education Compact, Missouri Colleges Fund, Inc., NASPA—Student Affairs Administrators in Higher Education, National Association of College and University Business Officers, National Association of Independent Colleges and Universities, National Association of Schools and Colleges of the United Methodist Church, National Collegiate Athletic Association, Network of Colleges and Universities, Evangelical Lutheran Church in America.

New England Board of Higher Education, North Carolina Independent Colleges and Universities, Northwest Commission on Colleges and Universities, Ohio Foundation of Independent Colleges, Online Learning Consortium, Oregon Community College Association, South Carolina Independent Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, Southern Regional Education Board, State Higher Education Executive Officers Association, Tennessee Independent Colleges and Universities Assoc., UNCF (United Negro College Fund, Inc.), UPCEA, Virginia Foundation for Independent Colleges, West Virginia Independent Colleges & Universities, Western Interstate Commission for Higher Education, Wisconsin Association of Independent Colleges and Universities.

H.R. 6395

Mr. LEAHY. Mr. President, the Senate has before it today the result of a compromise. The conference report that will result in the adoption of the National Defense Authorization Act—NDAA—for fiscal year 2021 is neither the bill the Senate approved, nor the one the House passed. I am pleased that this conference report cures many of the problems that led to my vote to

oppose the Senate bill. Specifically, the conference report is void of the authority for funds to support testing of a new nuclear device, which was included in the Senate bill. This sends an important message to the world about Congress's support for U.S. leadership in armed control.

Further, the conference report advances the progress we have made with regard to Vietnam. This NDAA sends a clear message that Congress believes in the importance of cooperation with Vietnam, both to advance our shared security interests and to address some of the worst consequences of that war. The conference report will extend the authorization for the Department of Defense to help decontaminate the Bien Hoa Airbase from the lingering poison of dioxin, and it includes new authorization to help the Government of Vietnam locate and identify some of its hundreds of thousands of MIAs, as they have helped us locate our own MIAs over so many years.

The bill will also help the veterans of that war who were exposed to dioxin. The expansion of presumption of exposure included in this bill will mean that Americans suffering from a number of linked ailments can spend their time seeking treatment, rather than jumping through bureaucratic and legal hoops. For many veterans exposed to airborne toxic substances through burn pits, this bill also includes a number of provisions to make it easier to identify their exposure and for them to make connections needed while seeking medical care. It continues the march towards rectifying the Department of Defense's PFOS/PFOA usage. While there is much to be done in both these areas, this is a positive step forward.

This bill is imperfect, but of particular concern to me is the addition in conference, without proper vetting or evaluation, of several provisions that undermine the Freedom of Information Act, our Nation's premier transparency law. Many of these provisions were in neither the Senate nor the House bill. For a number of years, I have worked in a bipartisan manner with other members of the Judiciary Committee to consult with the Senate Armed Services Committee to provide the feedback and expertise in FOIA matters, as it relates to proposals within the NDAA. That inclusive process, where committees of jurisdiction are consulted on their areas of expertise, has ensured that the NDAA does not become a vehicle for unwise or harmful policies.

This time, however, a number of provisions needlessly piercing holes in FOIA were inserted during conference negotiations without any consultation with the Judiciary Committee. Unsurprisingly, a process that took place behind closed doors resulted in policies undermining the American people's ability to know what their government is doing. Unfortunately, this is slowly becoming a routine prac-

tice, and it must not happen again. I want to put everyone on notice: I will insist that the Judiciary Committee and those of us who worked for many years on these matters are consulted on provisions that fall within the purview of our committee before they are included in the NDAA. That consultation process has produced good outcomes for the American people for years. Let's not change it now.

With these concerns in mind, on balance, this is a defense authorization bill that I will support. It advances our efforts to reconcile with our history and address the naming of our military bases after Confederate generals, something over which the President inexplicably threatened to veto the bill. It rejects the President's demands to repeal section 230 of the Communications Decency Act, something that advances his personal war, but which demands careful consideration and should not be used as hostage bait.

This conference report authorizes over \$740 billion in spending. The defense of our Nation and our international role in providing security and promoting stability demand significant investments. I hope, however, that in future years, Congress will thoughtfully consider the skewed balance of our defense investments against other critical domestic needs. These are difficult questions, but ones that demand debate and honest review.

VOTE ON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is on agreeing to the adoption of the conference report.

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—84

Alexander	Cantwell	Cramer
Baldwin	Capito	Crapo
Barrasso	Cardin	Daines
Bennet	Carper	Duckworth
Blackburn	Casey	Durbin
Blumenthal	Cassidy	Enzi
Blunt	Collins	Ernst
Boozman	Coons	Feinstein
Brown	Cornyn	Fischer
Burr	Cortez Masto	Gardner

Gillibrand	McConnell	Scott (FL)
Grassley	Menendez	Scott (SC)
Hassan	Moran	Shaheen
Heinrich	Murkowski	Shelby
Hirono	Murphy	Sinema
Hoeben	Murray	Smith
Hyde-Smith	Perdue	Stabenow
Inhofe	Peters	Sullivan
Johnson	Portman	Tester
Jones	Reed	Thune
Kaine	Risch	Tillis
Kelly	Roberts	Toomey
King	Romney	Udall
Klobuchar	Rosen	Van Hollen
Lankford	Rubio	Warner
Leahy	Sasse	Whitehouse
Loeffler	Schatz	Wicker
Manchin	Schumer	Young

NAYS—13

Booker	Kennedy	Sanders
Braun	Lee	Warren
Cotton	Markey	Wyden
Cruz	Merkley	
Hawley	Paul	

NOT VOTING—3

Graham	Harris	Rounds
--------	--------	--------

The conference report is agreed to.

The PRESIDING OFFICER. The majority leader.

FURTHER CONTINUING APPROPRIATIONS ACT, 2021, AND OTHER EXTENSIONS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 8900.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 8900) making further continuing appropriations for fiscal year 2021, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

Mr. SANDERS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, it is no great secret that the American people understand how far removed the U.S. Congress and both political parties are from their needs. They do polls out there, depending on the month, and Congress gets a 10-percent approval rating, and, on a good day, maybe a 20-percent approval rating.

People understand that, to a shameful degree, what Congress does is worry about the needs of wealthy campaign contributors—both political parties—and turns their backs on the needs of working people.

A few months ago, in Burlington, VT, not far from where I live, they shut down the road so that people could line up in their cars to get emergency food distributed by the Vermont National Guard—hundreds and hundreds of people in Burlington and all over the State of Vermont. And, by the way, Vermont probably is in better shape than most States in this country. We have more hunger in America today than at any time in the modern history of this country. This pandemic has been a disaster not only from a public health perspective but from an economic perspec-

tive, and economists tell us that working families today are in worse shape right now than at any time since the Great Depression.

And it is not just the children in America—the richest country on Earth—who are going hungry. You have millions and millions of families who are scared to death that they are going to be evicted from their homes and join the half a million people in America who are already homeless.

We have half of our population working day to day, living paycheck to paycheck, trying to survive. This Congress must address the economic emergency facing the American people. We cannot go back to our families during the Christmas holidays while tens of millions of families are suffering. They are looking toward us and their government—their government—to provide the emergency assistance that they need.

Yesterday, Senator HAWLEY and I introduced a very simple amendment—not a radical idea. In fact, we are way, way behind what other countries around the world are doing to protect their workers. All that we want to do is to once again provide the same benefits that were provided in the CARES bill that unanimously—unanimously, Democrats, Republicans—President Trump signed it, supported it. We all came together in March to say that every working-class adult in this country would get \$1,200 and their kids would get \$500.

So if you have a husband and wife and two kids, that is 3,400 bucks. Maybe they can use that money to pay a couple of months' rent, buy some food, go to the doctor. We are looking at a horrible pandemic now. You have 90 million people who are uninsured or underinsured. That is all we are asking—to do what we unanimously did in March, to make sure that our unemployed workers get the benefits they need to make sure that working families get that \$1,200 check per person.

Now, I have been here for a while. I am not one of the Members of the Senate who shuts down, does this and does that, and keeps people here for weeks. I don't do that. But this I want to say right now: I am prepared to withdraw my objection at this moment, but I will not be prepared to withdraw an objection next week. We will deal with the financial crisis facing tens of millions of Americans. And if I have anything to say about it—and I guess I do—we are not going to go home for the Christmas holidays unless we make sure that we provide for the millions of families in this country who are suffering.

With that, I would yield to Senator HAWLEY.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, reserving the right to object, this is a very simple thing that we are talking about, and I can boil it down real easily.

If the Senate of the United States can find hundreds of billions of dollars

to give to big government and big business, surely it can find some relief for working families and working individuals. And I would just submit to you that it is working families and working people who should be first in line for COVID relief, not last.

That is why the amendment that Senator SANDERS and I have proposed is so common sense—\$1,200 for individuals, \$2,400 for families, \$500 for every child—and as Senator SANDERS rightly said, every Member of this body has voted yes, in favor of this relief before.

What is more, I can't figure who exactly is opposed to it. The President of the United States has said that he is in favor of direct assistance. I thank the majority leader for his own support of direct assistance. The Speaker of the House says she is in favor of direct assistance. And that is why there is no reason why this body should leave next week before we vote on and approve direct assistance to working families.

Now, let me just say one other thing. Let me tell you about a phone call I had with a friend of mine at home when this Congress approved direct assistance back in March. He texted me, and then he called me and he said: I am seeing this news about relief that we are going to maybe get a check. Is that real?

I said: Yeah, that is real.

He said: Well, I don't know. I am worried about taking it. I mean, what if we spend the money? I mean, we could use the money, but what if we spend it, and I can't pay it back? You know, it comes back and now I have got to pay it back?

I said: You don't have to pay it back. It is relief, because you need it, because you are working. This is a guy who works in concrete. That is his business.

And he said: Are you serious, now? You are serious that we can keep this money? I can use this for my family.

I said: That is exactly what it is for.

And his comment to me was—his words were: Man, this is a godsend.

There are families like that not just all over Missouri, not just all over Vermont, but all over this Nation, and they are in need today like they were in need in March. It is incumbent upon this body to act, and we should not leave until we do that.

So having reserved the right to object, today, I do not object.

I yield the floor.

Mr. SANDERS. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

Without objection, it is so ordered.

The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.